

EO Report
Agricultural Regulatory Program Update
February 8, 2008 Board Meeting

Presentations and Outreach

Ag program staff presented an overview of the program at the Agriculture and the Environment Conference hosted by the Agricultural Water Quality Alliance at Asilomar in November. In mid-November, staff participated as a member of the Food Safety and the Environment panel discussion at the California Water Policy Convention held in Los Angeles and hosted by Public Officials for Water and Environmental Reform. In January, staff spoke at both a pre-conference training and conference break-out session on Food Safety and Water Quality as part of the Ecological Farming conference at Asilomar.

Food Safety

Federal Marketing Agreement

Ag program staff has continued our involvement in food safety issues that have the potential to affect water quality. Recently, staff responded to a call for comments on a federally proposed rulemaking that would establish a federal marketing program with food safety standards set for leafy greens on a national level (see attached letter). In our letter to the USDA, staff requested that public NEPA review, an administrative committee inclusive of wildlife and water quality representation, cross-disciplinary peer review and a ceiling on management practice requirements be included in any federal marketing program to help avoid conflicts, like we are seeing in California, with existing water quality and wildlife regulations.

Buyer's Meeting

On another food safety front, staff attended a much anticipated buyers' meeting held in Salinas on December 10, 2007. This meeting was organized by the California Roundtable for Agriculture and the Environment (CRAE) and included buyers, growers and shippers of lettuce and leafy greens in the Salinas Valley and members of the environmental and regulatory communities. This meeting was an important first step in creating dialogue between the handlers and other parties involved in the food safety issues in our region. What was most apparent from this meeting is that all parties are frustrated with food safety metrics that go above and beyond the California Leafy Greens Marketing Agreement and associated Good Agricultural Practices. Most parties want to see a standardized set of requirements that put an end to the market driven "one-upmanship" between competing handlers of leafy greens. It remains to be seen if a federal marketing agreement would do this. It was also apparent from this meeting that communication with the large retail buyers needs to occur.

Cooperative Monitoring Program

Central Coast Water Quality Preservation, Inc. submitted a proposal for 2008 follow-up monitoring, to do upstream monitoring in several watersheds beginning in January. They will also submit a proposal for education and outreach and summer flow monitoring in several watersheds to focus on tailwater reduction. Follow-up projects are funded by regular program fees and by a Proposition 40 grant and are a mandatory component of the Cooperative Monitoring Program established by the Conditional Waiver.

Inspections

The ag regulatory program is relatively new at the Water Board. Previously, irrigated farming operations were not regularly inspected by Water Board staff. In developing a comprehensive agricultural inspection program, staff met with several growers, as well as representatives of National Resource Conservation Service, UC Cooperative Extension, water agencies, resource conservation districts, agricultural consultants, county agricultural commissioners, and county farm bureaus, to become familiar with cropping systems and agricultural management measures that can be implemented to protect water quality in the Central Coast.

Staff began conducting inspections in September 2007. We established a goal of completing a minimum of 120 inspections by January 2009; a combination of random inspections and ones in response to complaints and water quality concerns. The random inspections are intended to give staff an overall picture of the level and effectiveness of the ag program. Staff is conducting random inspections throughout the region. However, to date most inspections have been in response to complaints or identified problems. Staff has completed approximately 25 inspections as of mid-January 2008.

Solving Water Quality Problems on a Watershed Scale

Many of our watersheds have multiple water quality problems, and our data also suggest that there are often multiple contributors to the problems. Staff is exploring the effectiveness of using inspections as part of a watershed-scale, problem-solving approach, beginning with a watershed in Monterey County where the land use is predominantly irrigated agriculture. We selected this watershed based on complaints as well as known toxicity and nitrate exceedences. Concentrations of the pesticides diazinon and chlorpyrifos have been detected in the water column above the limits for fresh water aquatic life protection. Analysis of pesticide use records in the watershed indicated that chlorpyrifos was primarily being applied to broccoli. Sprinkler irrigation of broccoli contributes to tailwater discharges from irrigated fields into the drainages of the creek. Growers are reluctant to produce summer broccoli crops on drip because of economic and other production concerns. Staff conducted inspections at all farming operations in the watershed; in addition, staff attended meetings with the local farm bureau, County Public Works, the Cooperative Monitoring Program, and growers in the watershed. As a result, one grower in the watershed has initiated a trial drip irrigated broccoli crop for the 2008 season and the County and growers have agreed to work toward coordinated maintenance of the ditch and adjacent lands to address sediment and erosion issues.

We will continue to track progress and if this approach proves effective in solving problems, we will expand it to other watersheds in the near future. At the same time, where an individual is identified as causing problems without adequate attempts to address them, we will pursue individual enforcement actions as warranted.

Enforcement Actions

We are continuing enforcement actions against farming operations that have not enrolled in the Conditional Waiver for Irrigated Lands. The Assistant Executive Officer issued five administrative civil liability complaints in December. Additional complaints will be issued in January in an effort to ensure that all commercial irrigated farming operations are enrolling. We will also issue complaints to Cooperative Monitoring Program participants that do not pay their fees for cooperative monitoring.